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Appendix II.

[Vide item IV—Amendments to Standing Orders of the Madras Legislative Council—at page 557 supra.]

To

THE HONOURABLE MEMBERS OF THE
MADRAS LEGISLATIVE COUNCIL.

We, the undersigned members of the Select Committee appointed to report on certain draft amendments to Standing Orders of the Madras Legislative Council moved by the Hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur at the meeting of the Legislative Council held on the 2nd February 1934, have the honour to submit the following report.

2. We met on the 17th February 1934 to consider the draft amendments, and on the 19th February 1934, to pass our Report.

3. We approve of all the amendments except X to XIII and XV.

4. As regards amendments X to XIII and XV, we have made the following changes in them.

Amendment X—Standing Order No. 39.

Clause (v) of proposed paragraph (3) of this Standing Order provides that the Council may give instructions to a Select Committee to sit outside the place of session of the Council or the headquarters of the Government for the time being. We consider that this clause is unnecessary as provision is made in proposed paragraph (6) of Standing Order No. 39 for the place of meeting of a Select Committee. We have therefore deleted clause (v) of proposed paragraph (3) of Standing Order No. 39.

Amendments XI, XII and XIII.

These amendments refer to Select Committees on Bills. We agree that the report of a Select Committee need not be signed by every member thereof, but we think that it should be authenticated by the signature of the person presiding. To paragraph (2) of Standing Order No. 40, we have, therefore, added the words " and shall be authenticated by the signature of the person presiding ". We also approve the provision to delete paragraph (4) of Standing Order No. 40 which refers to the dissenting minutes of members. We, however, consider that the minutes of the proceedings of a Select Committee should be circulated to the members of the Legislative Council along with the report of the Select Committee and the Bill as amended by the Select Committee. We have accordingly amended Standing Order No. 41 by *substituting* the words " the minutes of the proceedings of the Committee as approved by the person presiding " *for* the words " any minutes that may have been recorded by

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individual members of the Committee " in the first sentence, and by *omitting* the words " and the minutes, if any " after the words " The report " in the second sentence.

We consider that as the member in charge of the Bill is required by the Madras Legislative Council Rules, to make each motion for the progress of the Bill, there is no reason why he should not also himself be called upon to present the final report of the Select Committee on a Bill. We have accordingly omitted amendment No. XII which provided for the presentation of the report of a Select Committee by its Chairman instead of the member in charge. This has necessitated the omission of the first paragraph of Amendment numbered XIII to Standing Order No. 43.

Standing Order No. 51 provides that the member who introduced a Bill may at any stage of the Bill move that the Bill be withdrawn. We consider that this Standing Order may be useful in those cases where a member wishes to drop a Bill after having proceeded with it to some stage and have therefore resolved to retain the Standing Order and omit amendment No. XV.

We have annexed a list[a] of the amendments as approved by us and also a list[b] of the Standing Orders amended as they would stand if the amendments recommended by us are carried out.

B. RAMACHANDRA REDDI (*Chairman*).
MD. USMAN.
H. G. STOKES.
P. SUBBARAYAN.
M. A. MUTHIAH CHETTIAR.
J. K. METHERELL.
A. KRISHNASWAMY.
R. RANGA RAO
(Hon. the Raja of Bobbili).
G. JAGANNADHA RAJU.
B. MUNISWAMI.

19*th February* 1934.

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[a] Vide Appendix A. [b] Vide Appendix B.

LEGISLATIVE ... TRUTH ALONE TRIUMPHS

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APPENDIX A.

LIST OF AMENDMENTS TO THE STANDING ORDERS OF THE MADRAS LEGISLATIVE COUNCIL AS PASSED BY THE SELECT COMMITTEE.

I

Standing Order No. 2.

For paragraphs (2) and (3) inclusive of the proviso at the end, *substitute* the following :—

" (2) On the termination of a session, all business shall lapse except Bills which have been introduced, which shall be carried over to the next session from the stage reached by them in the expiring session."

II

Standing Order No. 4.

Substitute the following *for* the existing Standing Order No. 4 :—

" 4. While in session a meeting of the Council shall ordinarily commence at 11 a.m. and shall conclude at 5 p.m. :

Provided that, on notice given to the President at question time, the President may, in his discretion, allow half-an-hour after 5 p.m. or after the conclusion of the business of the day, whichever is earlier, to enable a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day. No division shall be taken on such debate, and such time shall not be available for the transaction of any other business."

III

Standing Order No. 5.

In the proviso to paragraph (9) *for* the words " on the next day available for non-official business of that class," *substitute* the words " on the next day available in that session for non-official business of that class."

IV

Standing Order No. 7.

For the existing paragraph (2) of Standing Order No. 7, *substitute* the following :—

" (2) Except as provided in these Standing Orders or in the rules, no business not included in the list of business for the day shall be transacted at any sitting except business of a formal or ceremonial nature which may be permitted by the President."

V

Standing Order No. 8.

For the existing Standing Order No. 8, *substitute* the following :—

" 8. All non-official business appointed for any day and not disposed of on that day, excluding motions which have lapsed under Standing Order No. 5 (*b*) (9) shall stand over until the next day of the session available for business of the class to which it belongs."

VI

Standing Orders Nos. 19 and 20.

For Standing Orders Nos. 19 and 20, *substitute* the following :—

"19. A member desirous of moving a motfon for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance shall, before the commencement of the sitting of the Council at which he proposes to ask for leave of the Council to make his motion, hand to the President a written statement of the matter proposed to be discussed and obtain his consent to his asking for such leave to make the motion.

"20. After receiving such consent, leave of the Council to make the motion may be asked for after questions and before the list of business for the day is entered upon."

VII

Standing Order No. 29.

For the existing Standing Order, *substitute* the following :—

"29. A motion or resolution must not raise a question substantially identical with one on which the Council has given a decision in the same session.

Explanation.—The Council shall not be deemed to have given a decision in respect of a Bill unless it has either passed the Bill into law or has rejected the Bill."

New Standing Order after Standing Order No. 29.

Insert the following as new Standing Order after Standing Order No. 29 :—

"29-A. A member who has moved a motion or an amendment to a motion may withdraw the same with the leave of the Council expressed without a dissentient voice."

VIII

Standing Order No. 32.

Delete paragraph (3) of the Standing Order.

IX

Standing Order No. 37.

In the proviso to paragraph (1) of Standing Order No. 37, after the words "six clear days' notice to the Secretary," *insert* the words "after publication of the Bill in the Gazette."

X

Standing Order No. 39.

(1) *For* the second sentence of paragraph (2), *substitute* the following :—

"The number of such other members so nominated shall not, without leave of the House, exceed thirteen, and shall in no case exceed twenty-three."

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(2) After paragraph (2) *insert* the following :—

"(3) The House may give instructions to a Select Committee to which a Bill is committed for consideration, that it may—

(i) consolidate it and any other Bill or Bills committed to it into one Bill;

(ii) extend the operation of a Bill geographically;

(iii) make certain amendments in the Bill: Provided that such amendments are relevant to the subject matter of the Bill, though not covered by the clauses of the Bill; or

(iv) report within a particular time."

(3) *For* paragraph (3), *substitute* the following paragraphs :—

"(4) The President shall nominate one of the members of the Committee to be its Chairman. The person so nominated shall preside at the meetings of the Committee and in his absence one of the members of the Committee elected by the Committee, shall preside.

"(5) In the case of an equality of votes in the Committee the person presiding shall have a second or casting vote.

"(6) While the Council is in session a Select Committee shall sit at the place fixed by His Excellency as the place of session and while the Council is not in session it may sit either in Madras or at the headquarters of Government. A Select Committee shall not sit at any other place except with the leave of the Council given on a motion made in Council by the Member of Government in charge of the department to which the Bill relates."

(4) *Re-number* paragraphs (4) and (5) as paragraphs (7) and (8) respectively.

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XI

Standing Order No. 40.

(1) In paragraph (2), *add* the following words at the end :—

"and shall be authenticated by the signature of the person presiding."

(2) In paragraph (3), *for* the words "in their report," *substitute* the words "in their final report."

(3) *Delete* paragraph (4).

XI-A

Standing Order No. 41.

(1) In the first sentence, *for* the words "any minutes that may have been recorded by individual members of the Committee," *substitute* the words "the minutes of the proceedings of the Committee as approved by the person presiding."

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(2) In the second sentence, *for* the words " The report and minutes, if any," *substitute* the words " The report."

XII

Omitted.

XIII

Standing Order No. 43.

In sub-paragraph (i) of paragraph (1), *for* the words " allows the report to be taken into consideration " at the end, *substitute* the words " allows such Bill to be taken into consideration " ; and

in sub-paragraph (ii) (*a*), *for* the words " without limitation", *substitute* the words " as a whole."

XIV

Standing Order No. 48.

For paragraphs (2) and (3), the following paragraphs shall be substituted :—

" (2) If any amendment be made, any member may request the President to postpone the further consideration of the Bill and thereupon the President shall, unless he considers that the request is frivolous or unreasonable, postpone the further consideration of the Bill to a date not earlier than three days therefrom.

" (3) When the Bill is so brought forward for further consideration, no amendments not being of a verbal or consequential nature, shall be made by the Council.

" (4) The member in charge of the Bill may then move that the Bill be passed into law.

" (5) Paragraphs (2), (3) and (4) shall not apply to Taxation Bills."

XV

Omitted.

XVI

Standing Order No. 60.

Delete this Standing Order.

XVII

Standing Order No. 64.

Delete this Standing Order.

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APPENDIX B.

List of the Standing Orders of the Madras Legislative Council, embodying the amendments passed by the Select Committee.

I

Standing Order No. 2.

2. (1) A session of the Council is terminated by prorogation. The Council is prorogued by the Governor by notification or otherwise.

(2) On the termination of a session, all business shall lapse except Bills, which have been introduced, which shall be carried over to the next session from the stage reached by them in the expiring session.

II

Standing Order No. 4.

4. While in session a meeting of the Council shall ordinarily commence at 11 a.m., and shall conclude at 5 p.m.:

Provided that, on notice given to the President at question time, the President may, in his discretion, allow half-an-hour after 5 p.m., or after the conclusion of the business of the day, whichever is earlier, to enable a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day. No division shall be taken on such debate, and such time shall not be available for the transaction of any other business.

III

Standing Order No. 5.

5. (*b*) (9) The precedence of motions as determined by each ballot shall hold good for thirty days from the date on which the ballot is held exclusive of the day on which it is held:

Provided that any motion which is under the consideration of the Council at the time of an adjournment shall be taken as the first item of non-official business of the same class as itself on the next day available **in that session** for non-official business of that class.

IV

Standing Order No. 7.

7. (1) A list of business for the day shall be prepared by the Secretary and circulated to all members.

(2) Except as provided in these Standing Orders or in the rules, no business not included in the list of business for the day shall be transacted at any sitting except business of a formal or ceremonial nature which may be permitted by the President.

(3) No business requiring notice shall be set down for a day earlier than the period of the necessary notice.

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V

Standing Order No. 8.

8. All non-official business appointed for any day and not disposed of on that day, excluding motions which have lapsed under Standing Order No. 5 (b) (9) shall stand over until the next day of the session available for business of the class to which it belongs.

VI

Standing Orders Nos. 19 *and* 20.

19. A member desirous of moving a motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance shall, before the commencement of the sitting of the Council at which he proposes to ask for leave of the Council to make his motion, hand to the President a written statement of the matter proposed to be discussed and obtain his consent to his asking for such leave to make the motion.

20. After receiving such consent, leave of the Council to make the motion may be asked for after questions and before the list of business for the day is entered upon.

VII

Standing Order No. 29.

29. A motion or resolution must not raise a question substantially identical with one on which the Council has given a decision in the same session.

Explanation: The Council shall not be deemed to have given a decision in respect of a Bill unless it has either passed the Bill into law or has rejected the Bill.

New Standing Order after Standing Order No. 29.

29-A. A member who has moved a motion or an amendment to a motion may withdraw the same with the leave of the Council expressed without a dissentient voice.

VIII

Standing Order No. 32.

32. (1) At any time after a motion has been made a member may move "that the question be now put," and unless it shall appear to the President that such motion is an abuse of the rules of the Council or an infringement of the rights of reasonable debate, the question "that the question be now put" shall be put forthwith and decided without amendment or debate.

(2) When the motion "that the question be now put" has been carried, the question on the motion, the debate on which has thus been terminated, shall be put and decided without amendment or further debate.

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IX

Standing Order No. 37.

37. (1) At any time after a Bill has been introduced and published in the Gazette, the member in charge of the Bill may make one of the following motions in regard to his Bill, namely :—

(a) that it be taken into consideration by the Council either at once or at some future day to be then specified ; or

(b) that it be referred to a Select Committee ; or

(c) that it be circulated for the purpose of eliciting opinion thereon :

Provided that any member may object to any such motion being made unless the member in charge has given at least six clear days' notice to the Secretary, **after publication of the Bill in the Gazette,** and such objection shall prevail unless the President, in the exercise of his discretion, allows the motion to be made.

(2) On the day on which any such motion is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

X

Standing Order No. 39.

39. (1) The Member of the Government in charge of the department to which the Bill relates and the member who introduced the Bill shall be members of every Select Committee.

(2) The other members of the Committee shall be named by the Council when the motion that the Bill be referred is made, or at any subsequent sitting. **The number of such other members so nominated shall not, without leave of the House, exceed thirteen, and shall in no case exceed twenty-three.**

(3) The House may give instructions to a Select Committee to which a Bill is committed for consideration, that it may—

(i) consolidate it and any other Bill or Bills committed to it into one Bill;

(ii) extend the operation of a Bill geographically;

(iii) make certain amendments in the Bill: Provided that such amendments are relevant to the subject-matter of the Bill, though not covered by the clauses of the Bill; or

(iv) report within a particular time.

(4) The President shall nominate one of the members of the Committee to be its Chairman. The person so nominated shall preside at the meetings of the Committee and in his absence one of the members of the Committee elected by the Committee, shall preside.

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(5) In the case of an equality of votes in the Committee the person presiding shall have a second or casting vote.

(6) While the Council is in session a Select Committee shall sit at the place fixed by His Excellency as the place of session and while the Council is not in session it may sit either in Madras or at the headquarters of Government. A Select Committee shall not sit at any other place except with the leave of the Council given on a motion made in Council by the Member of Government in charge of the department to which the Bill relates.

(7) A Select Committee may hear expert evidence and the representatives of any special interests affected by the measure before them.

(8) The Secretary of the Legislative Council shall be the ex-officio Secretary of the Select Committee and send notices of its meetings and conduct all correspondence connected with its business.

XI

Standing Order No. 40.

40. (1) After publication of a Bill in the Gazette, the Select Committee to which the Bill has been referred shall make a report thereon.

(2) Reports may be either preliminary or final **and shall be authenticated by the signature of the person presiding.**

(3) The Select Committee shall, in their **final** report, state whether or not, in their judgment, the Bill has been so altered as to require republication, whether the publication directed by the rules or by the Council has taken place, and the date on which the publication has taken place, or, if publication in more than one language has been ordered, the date on which the publication in each such language has taken place.

XI-A

Standing Order No. 41.

41. The report of the Select Committee, **the minutes of the proceedings of the Committee as approved by the person presiding** and if the Bill has been amended, the Bill, as amended by the Committee, shall be printed and copies furnished to each member of the Council. **The report** and, if the Bill has been amended, the Bill, as amended, or such portion thereof as may have been amended, shall also, unless otherwise directed by the Select Committee, be published in the *Fort St. George Gazette* in the languages in which the original Bill was published.

XIII

Standing Order No. 43.

43. (1) After the presentation of the final report of a Select Committee on a Bill the member in charge may move—

(i) that the Bill, as reported by the Select Committee, be taken into consideration, but any member may object to its being

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so taken into consideration if the copies mentioned in Standing Order No. 41 have not been available for the use of members for fifteen days, or if three months have not elapsed from the date of the first publication of the Bill; and such objection shall prevail unless the President, in the exercise of his power to suspend this order allows **such Bill** to be taken into consideration; or

(ii) that the Bill be recommitted either—

(*a*) **as a whole,** or

(*b*) with respect to particular clauses or amendments only, or

(*c*) with instructions to the Select Committee to make some particular or additional provision in the Bill.

(2) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted.

XIV.

Standing Order No. 48.

48. (1) If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the Council, the Bill may at once be passed.

(2) If any amendment be made, any member may request the President to postpone the further consideration of the Bill and thereupon the President shall, unless he considers that the request is frivolous or unreasonable, postpone the further consideration of the Bill to a date not earlier than three days therefrom.

(3) When the Bill is so brought forward for further consideration, no amendments not being of a verbal or consequential nature, shall be made by the Council.

(4) The member in charge of the Bill may then move that the Bill be passed into law.

(5) Paragraphs (2), (3) and (4) shall not apply to Taxation Bills.